

JUN 07 2007  
PATENT AND TRADEMARK OFFICE

Form 1449\*

**INFORMATION DISCLOSURE STATEMENT**  
IN AN APPLICATION  
(Use several sheets if necessary)

Packet Number: 1023-359US01

Application Number: 10/826,926

Applicant: Kenneth T. Heruth; Keith A. Miesel

Filing Date: April 15, 2004

Group Art Unit: 3762

Examiner Name: Rex R. Holmes

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Issue/Document Publication Date	Name	Filing Date If Appropriate

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Document Number	Publication Date	Country	Translation	
				Yes	No
/RH/	WO 02/41771	05/30/2002	PCT		
/RH/	WO 02/096512	12/05/2002	PCT		

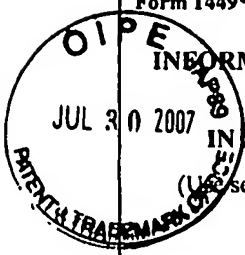
**OTHER DOCUMENTS (Including Authors, Title of Item, Page(s), Vol/Issue No., Publisher, Place of Publication)**


<b>EXAMINER</b> /Rex Holmes/	<b>Date Considered</b> 09/07/2007
---------------------------------	--------------------------------------

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Based on Form PTO-FB-A820  
(Also form PTO-1449)

Patent and Trademark Office, U.S. Department of Commerce



<b>Form 1449*</b>		<b>Docket Number:</b> 1023-359US01	<b>Application Number:</b> 10/826,926
<b>INFORMATION DISCLOSURE STATEMENT</b>			
<b>Applicant:</b> Kenneth T. Heruth; Keith A. Miesel			
<b>Filing Date:</b> April 15, 2004		<b>Group Art Unit:</b> 3762	
<b>Examiner Name:</b> Rex R. Holmes			

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Issue/Document Publication Date	Name	Filing Date If Appropriate
/RH/	5,275,159	01/04/1994	Griebel	
	5,469,861	11/28/1995	Piscopo et al.	
	5,904,708	05/18/1999	Goedeke	
	6,366,813 B1	04/02/2002	DiLorenzo	
	6,416,471 B1	07/09/2002	Kumar et al.	
	2002/0177882 A1	11/28/2002	DiLorenzo	
	6,819,956 B2	11/16/2004	DiLorenzo	
	2005/0021103 A1	01/27/2005	DiLorenzo	
	2005/0021104 A1	01/27/2005	DiLorenzo	
	6,881,192 B1	04/19/2005	Park	
	2005/0119703 A1	06/02/2005	DiLorenzo	
	2005/0215847 A1	09/29/2005	Heruth et al.	
	2005/0222626 A1	10/06/2005	DiLorenzo	
	2005/0240086 A1	10/27/2005	Akay	
	2005/0240242 A1	10/27/2005	DiLorenzo	
	2005/0245790 A1	11/03/2005	Bergfalk et al.	
	2006/0224191 A1	10/05/2006	DiLorenzo	
	2006/0293720 A1	12/28/2006	DiLorenzo	
	7,162,304 B1	01/09/2007	Bradley	
	2007/0073355 A1	03/29/2007	DiLorenzo	
	7,209,787 B2	04/24/2007	DiLorenzo	
	2007/0142862 A1	06/21/2007	DiLorenzo	

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Publication Date	Country	Translation	
				Yes	No
/RH/	198 31 109	01/13/2000	Germany	abstract	
	1 322 227 B1	12/28/2005	EP		
	WO 99/13765	03/25/1999	PCT		
	WO 03/024325	03/27/2003	PCT		

## OTHER DOCUMENTS (Including Authors, Title of Item, Page(s), Vol/Issue No., Publisher, Place of Publication)

/RH/	Amzica, "Physiology of Sleep and Wakefulness as it Relates to the Physiology of Epilepsy," Journal of Clinical Neurophysiology, American Clinical Neurophysiology Society, 19(6), pp. 488-503, (2002).
------	--

/RH/	Dinner, "Effect of Sleep on Epilepsy," Journal of Clinical Neurophysiology, American Clinical Neurophysiology Society, 19(6), pp. 504-513, (2002).				
	Foldvary-Schaefer, "Sleep Complaints and Epilepsy: The Role of Seizures, Antiepileptic Drugs and Sleep Disorders," Journal of Clinical Neurophysiology, American Clinical Neurophysiology Society, 19(6), pp. 514-521, (2002).				
	Mendez et al. "Interactions Between Sleep and Epilepsy," Journal of Clinical Neurophysiology, American Clinical Neurophysiology Society, 18(2), pp. 106-127, (2001).				
	Kerr et al., "Analysis of the sit-stand-sit movement cycle in normal subjects," Clinical Biomechanics, Vol. 12, No. 4, pp. 236-245, (1997).				
	Aminian et al. "Physical Activity Monitoring Based on Accelerometry: Validation and Comparison with Video Observation," Medical & Biological Engineering & Computing, vol 37, no. 2, pp. 304-308 (1999).				
	Medcare – A Global Leader in Sleep Diagnostics, Embletta Recording System, <a href="http://www.medcare.com/products/diagnostic/embletta/">http://www.medcare.com/products/diagnostic/embletta/</a> , 2 pgs. January 31, 2005.				
	Medcare – A Global Leader in Sleep Diagnostics, Somnologica for Embletta, <a href="http://www.medcare.com/products/diagnostic/embletta/SomnoEmbletta/index.asp">http://www.medcare.com/products/diagnostic/embletta/SomnoEmbletta/index.asp</a> , 1 pg. January 31, 2005.				
	MAP Medizin-Technologie GmbH, Poly-MESAM®, <a href="http://195.244.124.130/map/de/eng/map_med.nsf/cmsall/70564A3FCBE4188AC1256EF4...">http://195.244.124.130/map/de/eng/map_med.nsf/cmsall/70564A3FCBE4188AC1256EF4...</a> , 4 pgs. January 31, 2005.				
	Merlin, <a href="http://www.aha.ru/~pir/english/merlin/">http://www.aha.ru/~pir/english/merlin/</a> , 4 pgs. January 31, 2005.				
	Sleep Solutions – PR Newswire: Sleep Solutions Introduces NovaSom™ QSG™ for PSG..., <a href="http://www.sleep-solutions.com/press_room/novasom.htm">http://www.sleep-solutions.com/press_room/novasom.htm</a> , 2 pgs. January 31, 2005.				
	Itamar Medical Information, <a href="http://itamar-medical.com/content.asp?id-id=31">http://itamar-medical.com/content.asp?id-id=31</a> , 2 pgs. January 31, 2005.				
	Criticare System Inc., -504DX Portable Pulse Oximeter, <a href="http://www.csiusa.com/504dx.html">http://www.csiusa.com/504dx.html</a> , 4 pgs. January 31, 2005.				
	Snap® Laboratories, Product Fact Sheet, <a href="http://www.snaplab.com/mp_fact.htm">http://www.snaplab.com/mp_fact.htm</a> , 2 pgs. January 31, 2005.				
	Sleep Strip & Bite Strip, <a href="http://www.quietsleep.com/snoringapnea/sleepstrip.htm">http://www.quietsleep.com/snoringapnea/sleepstrip.htm</a> , 8 pgs. January 31, 2005.				
	"Bitestrip Flier," downloaded from Internet Archive of <a href="http://www.quietsleep.com">www.quietsleep.com</a> dated January 29, 2005 <a href="http://web.archive.org/web/20041124080003/www.quietsleep.com/pdf/Bitestrip+Flier.pdf">http://web.archive.org/web/20041124080003/www.quietsleep.com/pdf/Bitestrip+Flier.pdf</a> .				
	"Bilateral Comparisons of the BiteStrip Bruxism Device and Masseter EMG Bruxism Events" downloaded from Internet Archive of <a href="http://www.quietsleep.com">www.quietsleep.com</a> dated January 29, 2005 <a href="http://web.archive.org/web/20041124075114/www.quietsleep.com/pdf/Bilateral+Comparisons.pdf">http://web.archive.org/web/20041124075114/www.quietsleep.com/pdf/Bilateral+Comparisons.pdf</a> .				
↓	"The BiteStrip: A Novel Screener for Sleep Bruxism," downloaded from Internet Archive of <a href="http://www.quietsleep.com">www.quietsleep.com</a> dated January 29, 2005 <a href="http://web.archive.org/web/20041124072922/www.quietsleep.com/pdf/BiteStrip-+Novel+Screener.pdf">http://web.archive.org/web/20041124072922/www.quietsleep.com/pdf/BiteStrip-+Novel+Screener.pdf</a> .				
<table border="1"> <tr> <td>EXAMINER</td><td>Date Considered</td></tr> <tr> <td>/Rex Holmes/</td><td>09/07/2007</td></tr> </table>		EXAMINER	Date Considered	/Rex Holmes/	09/07/2007
EXAMINER	Date Considered				
/Rex Holmes/	09/07/2007				

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

JUN 07 2007  
PATENT & TRADEMARK OFFICE

**Form 1449\***

**INFORMATION DISCLOSURE STATEMENT**  
**IN AN APPLICATION**  
(Use several sheets if necessary)

**Docket Number:**  
1023-359US01

**Application Number:**  
10/826,926

**Applicant:**  
Kenneth T. Heruth; Keith A. Miesel

**Filing Date:**  
April 15, 2004

**Group Art Unit:**  
3762

**Examiner Name:**  
Rex R. Holmes

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Issue/Document Publication Date	Name	Filing Date If Appropriate

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Document Number	Publication Date	Country	Translation	
				Yes	No
/RH/	WO 02/41771	05/30/2002	PCT		
/RH/	WO 02/096512	12/05/2002	PCT		

**OTHER DOCUMENTS (Including Authors, Title of Item, Page(s), Vol/Issue No., Publisher, Place of Publication)**


<b>EXAMINER</b> /Rex Holmes/	<b>Date Considered</b> 09/07/2007
---------------------------------	--------------------------------------

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Based on Form PTO-FB-A820  
(Also form PTO-1449)

Patent and Trademark Office, U.S. Department of Commerce